



02105.002110

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

7/8
7-25-03

In re Application of:)
: Examiner: K. Tran
WILLIAM J. BLACK, ET AL.)
: Group Art Unit: 3651
Appln. No.: 10/028,800)
: Filed: December 28, 2001)
: For: BEVERAGE QUALITY AND)
COMMUNICATIONS CONTROL :
FOR A BEVERAGE FORMING AND)
DISPENSING SYSTEM : July 21, 2003
(Monday)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Sir:

Applicants respectfully traverse the restriction and election of species requirements set forth in the Office Action mailed June 20, 2003.

The Examiner has stated that the inventions of Group I (Claims 1-35) and Group II (Claims 36-43) are patentably distinct from each other for allegedly being subcombinations usable together in a single combination. In addition, the Examiner has required election between two species represented by Fig. 2 and Fig. 4. However, Applicants respectfully submit that the various groups of claims are closely related and that a proper search of any of the claims of one group would likely include a search of the

claims of the other group. Thus, it is submitted that all of the claims can be searched simultaneously and that a duplicative search with possibly inconsistent results may occur if the restriction and election of species requirements are maintained. Therefore, in the interest of economy, both for the Office and Applicants, withdrawal of the restriction and election of species requirements are respectfully solicited.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect the claims of Group I, namely Claims 1-35. Applicants further provisionally elect Species I. All of the foregoing elected claims are believed to be readable thereon.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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